

Trade Promotion Authority and Fast-Track Negotiating Authority for Trade Agreements: Major Votes

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Summary

This report profiles significant legislation, including floor votes, that authorized the use of presidential Trade Promotion Authority (TPA)—previously known as fast-track trade negotiating authority—since its inception in 1974. The report also includes a list of floor votes since 1979 on implementing legislation for trade agreements that were passed under TPA fast-track procedures. Although TPA expired on July 1, 2007, four free trade agreements (FTAs) were signed in time to be considered under TPA expedited procedures in the 110th Congress. The U.S.-Peru Trade Promotion Agreement Implementation Act was passed by Congress (H.R. 3688) and signed into law as P.L. 110-138 on December 14, 2007. The legislative future of three proposed U.S. FTAs (with Colombia, Panama, and South Korea) is uncertain. For further discussions of TPA or fast-track legislative activity, the report lists CRS reports and Internet resources.

This report will be updated as events warrant in the 112th Congress.

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Legislative Background Information

Fast-track is an expedited procedure for congressional consideration of certain trade agreements. This process is tied to the President's authority provided by Congress to enter into trade agreements to reduce U.S. tariff and non-tariff barriers with other countries. The fast-track authority provides that Congress will consider trade agreement implementing bills within mandatory deadlines, with a limitation on debate, and without amendment, as long as the President meets prescribed requirements set out by law.

Under the Reciprocal Trade Agreements Act of 1934 (P.L. 73-316), Congress delegated renewable authority to the President to negotiate reciprocal tariff reductions. The Trade Act of 1974 (P.L. 93-618) expanded this authority to include negotiations of nontariff trade barriers, but required more extensive reporting and consultations between Congress and the President during trade negotiations. This act also had a provision under which Congress would consider implementing bills for trade agreements under expedited congressional procedures, known as fast-track. **Table 1** shows how Congress renewed fast-track authority on particular dates. In the years following the expiration of fast-track authority in 1994, there were several legislative proposals to reauthorize the trade authority procedures; these bills, including H.R. 2621 in the 105th Congress, did not pass.

In the 107th Congress, several legislative proposals on trade promotion authority (TPA) were considered. The original House version of the Bipartisan Trade Promotion Authority Act (H.R. 3005) passed by one vote on December 6, 2001 (215-214). Another bill, H.R. 3009, was amended several times in the House and the Senate to include additional trade issues. Following House and Senate negotiations and agreement to the conference report for H.R. 3009, the President signed H.R. 3009, as P.L. 107-210, the Trade Act of 2002, on August 6, 2002. This *major piece of trade legislation* has the TPA provisions in Title XXI, Section 2101, as the Bipartisan Trade Promotion Authority Act of 2002. TPA procedures apply to implementing bills for trade agreements entered into before July 1, 2007.

Although TPA expired on July 1, 2007, four proposed U.S. free trade agreements (FTAs) were signed in time to be considered by Congress under TPA procedures in the 110th Congress; the U.S. FTAs were negotiated separately with the countries of Peru, Colombia, Panama, and South Korea. The implementing legislation for the U.S.-Peru Trade Promotion Agreement was passed by Congress and signed by the President on December 14, 2007 (P.L. 110-138).

Also in the 110th Congress, H.R. 5724 was introduced as implementing legislation for the U.S.-Colombia Trade Promotion Agreement. On April 10, 2008, the House passed H.Res. 1092, relating to H.R. 5724; this resolution provided a rule that disallowed the use of time limitations for consideration of the implementing bill. No further legislative action on H.R. 5724 occurred in the 110th Congress.

In the 111th Congress, no legislation for the three proposed U.S. trade agreements (with the countries of Colombia, Panama, and South Korea) was introduced. The fate of the three FTAs is uncertain in the 112th Congress. More detailed information on congressional and executive procedures for TPA and free trade agreements can be found in the "Resources for Additional Information," at the end of this report.

In **Table 1**, some of the listed bills focus solely on fast-track trade negotiating authority or TPA. Other bills are *major landmarks of trade legislation*, of which fast-track is only one of many trade provisions. These major trade acts, in boldface, include the Trade Act of 1974, the Trade Agreements Act of 1979, the Trade and Tariff Act of 1984, the Omnibus Trade and Competitiveness Act of 1988, and the Trade Act of 2002.

Table I. Votes on Legislation Authorizing or Extending Fast-Track Negotiating Authority for Trade Agreements

Congress	Bill and Title	Description and Comments	Votes
93 rd	H.R. 10710 Trade Act of 1974 (P.L. 93-618, enacted Jan. 3, 1975)	Trade reform, including provisions in Title I for "negotiating and other authority" for trade agreements.	Passed House Dec. 11, 1973 (272-140). Passed Senate Dec. 13, 1974 (77-4) Conference Report passed Senate Dec. 20, 1974 (72-4)
96 th	H.R. 4537 Trade Agreements Act of 1979 (P.L. 96-39, enacted July 26, 1979)	Implemented trade agreements negotiated by the United States in the Tokyo Round of the General Agreement on Tariffs and Trade (GATT). Extended for an additional 8 years (until Jan. 3, 1988), the President's authority to negotiate trade agreements under expedited procedures.	Passed House July 11, 1979 (395-7) Passed Senate July 23, 1979 (90-4)
98 th	H.R. 3398 Trade and Tariff Act of 1984 (P.L. 98-573, enacted Oct. 30, 1984)	Included Section 401 (for the negotiation of a free trade agreement with Israel) and Section 404 (a provision on fast-track procedures for perishable articles).	Passed House June 28, 1983 (368-43) Passed Senate Sept. 20, 1984 (96-0) Conference Report passed House Oct. 9, 1984 (386-1)
	Related bill: H.R. 5377	U.S. Israel Free Trade Area	Passed House Oct. 3, 1984 (416-6) Text of bill was inserted into H.R. 3398
100 th	H.R. 4848 Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418, enacted Aug. 23, 1988)	Comprehensive trade legislation including section 1102, providing authority for the President to enter into reciprocal bilateral and multilateral trade agreements. See H.R. 3 below.	Passed House July 13, 1988 (376-45) Passed Senate Aug. 3, 1988 (85-11)
	Related bill: H.R. 3	Omnibus Trade and Competitiveness Act of 1987. Provisions concerning trade agreement authority were reintroduced into H.R. 4848, which was enacted as P.L. 100-418.	Passed House Apr. 30, 1987 (290-137). Passed Senate July 21, 1987 (71-27). Conference Report passed House Apr. 21, 1988 (312-107). Conference Report passed Senate Apr. 27, 1988 (63-36). Vetoed by President, May 24, 1988. Motion to override veto passed House, May 24, 1988 (308-113). Motion to override veto failed to pass in Senate, June 8, 1988 (61-37).
	S. 1420	Omnibus Trade and Competitiveness Act of 1987	Several cloture motions on amendments in 1987
102 nd	H.Res. 101	Resolution disapproving the extension of fast-track procedures to implement trade agreements entered into	Failed House May 23, 1991 (192-231)

Congress	Bill and Title	Description and Comments	Votes
		after May 31, 1991, and by May 31, 1993.	
	H.Res. 146	Resolution concerning U.S. objectives of future trade agreements.	Passed House May 23, 1991 (329-85)
102 nd	S.Res. 78	Resolution disapproving a two-year extension of fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988.	Failed Senate May 24, 1991 (36-59)
103 rd	H.R. 1876 Uruguay Round of Multilateral Trade Negotiations (P.L. 103-49, enacted July 2, 1993)	Amended the Omnibus Trade and Competitiveness Act of 1988 to extend fast-track procedures for Uruguay Round trade agreements entered into before April 16, 1994.	Passed House June 22, 1993 (295-126) Passed Senate June 30, 1993 (76-16)
105 th	H.R. 2621	Reciprocal Trade Agreement Authorities Act of 1997	Failed House Sept. 25, 1998 (180-243) Failed to extend the trade authority procedures with respect to reciprocal trade agreements.
107 th	H.R. 3005	Bipartisan Trade Promotion Authority Act of 2001	Passed House Dec. 6, 2001 (215-214)
	H.R. 3009 Trade Act of 2002 (P.L. 107-210, enacted Aug. 6, 2002)	TPA renewed in Title XXI, the Bipartisan Trade Promotion Authority Act of 2002. Other provisions in this major trade bill include the Andean Trade Preference Act, the Trade Adjustment Assistance programs, and the Generalized System of Preferences program.	Passed House Nov. 16, 2001 (voice vote). Passed Senate with an amendment May 23, 2002 (66-30). Adoption of the rule (H.Res. 450) to expand the scope of the conference committee. Adopted in the House June 26, 2002 (216-215). House adopted conference report July 27, 2002 (215-212). Senate adopted conference report Aug. 1, 2002 (64-34).
110 th	H.Res. 1092, relating to H.R. 5724	Relating to the consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement.	Passed House April 10, 2008 (224-195) No further legislative action occurred for H.R. 5724.

Source: Legislative Information System (LIS).

Congress has applied fast-track legislative procedures to approve several reciprocal bilateral and multilateral trade agreements. **Table 2** lists the uses of fast-track procedures in the implementation of trade agreements from 1979 to the present. The table does not include the implementing legislation for the U.S.-Jordan Free Trade Agreement (H.R. 2603 enacted as P.L. 107-43 on September 28, 2001); Congress did not consider this bill under fast-track procedures.

In the 108th Congress, implementing legislation for free trade agreements was passed under fast-track procedures on four separate bills:

- H.R. 2738, the U.S.-Chile Free Trade Agreement Implementation Act, was signed on September 3, 2003 (P.L. 108-77).
- On the same day, H.R. 2739, the U.S.-Singapore Free Trade Agreement Implementation Act, was signed into law (P.L. 108-78).
- H.R. 4759, the U.S.-Australia Free Trade Agreement Act, was signed by the President on August 3, 2004 (P.L. 108-286).
- On August 17, 2004, H.R. 4842, the U.S.-Morocco Free Trade Agreement Implementation Act, was signed into law (P.L. 108-302).

In the 109th Congress, implementing legislation for three free trade agreements was passed under fast-track procedures on three separate bills:

- H.R. 3045, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR), was signed by the President on August 2, 2005 (P.L. 109-53).
- H.R. 4340, the U.S.-Bahrain Free Trade Agreement Implementation Act, was signed into law on January 11, 2006 (P.L. 109-169).
- H.R. 5684, the U.S.-Oman Free Trade Agreement Implementation Act, was signed into law on September 26, 2006 (P.L. 109-283).

Although TPA expired on July 1, 2007, four proposed FTAs (with Peru, Colombia, Panama, and South Korea) were signed in time to be considered by Congress under TPA procedures in the 110th Congress. H.R. 3688, the U.S.-Peru Trade Promotion Agreement Implementation Act, was passed by the House on November 8, 2007, and by the Senate on December 4, 2007. This bill was signed into law on December 14, 2007 (P.L. 110-138).

In the 110th Congress, H.R. 5724 was introduced to implement the proposed U.S.-Colombia Trade Promotion Agreement. H.Res. 1092 was introduced as a rule change for consideration of H.R. 5724 only; this resolution disallowed the use of time limitations for consideration of the implementing bill under fast-track procedures. H.Res. 1092 passed the House on April 10, 2008 (224-195). No further legislative action on H.R. 5724 occurred in the 110th Congress.

In the 111th Congress, no implementing legislation for the three proposed FTAs (with the countries of South Korea, Colombia, and Panama) was introduced.

In the 112th Congress, the fate of the three proposed FTAs is uncertain.

Table 2. Votes for Bills Using Fast-Track Procedures in the Implementation of Trade Agreements

Congress	Bill and Title	Description and Comments	Votes
96 th	Trade Agreements Act of 1979 (P.L. 96-39, H.R. 4537, enacted July 26, 1979)	Approved the Tokyo Round of the multilateral trade negotiations of the GATT. Fast-track trade authority stemmed from the Trade Act of 1974.	Passed House July 11, 1979 (395-7) Passed Senate July 23, 1979 (90-4)
99 th	U.S.-Israel Free Trade Area Implementation Act of 1985 (P.L. 99-47, H.R. 2268, enacted June 11, 1985)	Approved the free trade area between the United States and Israel, under the Trade and Tariff Act of 1984.	Passed House May 7, 1985 (422-0) Passed Senate May 23, 1985 (voice vote)
100 th	U.S.-Canada Free Trade Agreement Implementation Act of 1988 (P.L. 100-449, H.R. 5090, enacted Sept. 28, 1988)	Approved the free trade agreement between the United States and Canada.	Passed House Aug. 9, 1988 (366-40) Passed Senate Sept. 19, 1988 (83-9)
103 rd	North American Free Trade Agreement Implementation Act (P.L. 103-182, H.R. 3450, enacted Dec. 8, 1993)	Approved the North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico.	Passed House Nov. 17, 1993 (234-200) Passed Senate Nov. 20, 1993 (61-38)
	Uruguay Round Agreements Act (P.L. 103-465, H.R. 5110, enacted Dec. 8, 1994)	Approved the trade agreements concluded in the Uruguay Round of multilateral trade negotiations.	Passed House Nov. 29, 1994 (288-146) Passed Senate Dec. 1, 1994 (76-24)
108 th	U.S.-Chile Free Trade Agreement Implementation Act (P.L. 108-77, H.R. 2738, enacted Sept. 3, 2003)	Approved the free trade agreement between the United States and Chile.	Passed House July 24, 2003 (270-156) Passed Senate July 31, 2003 (65-32)
	U.S.-Singapore Free Trade Agreement Implementation Act (P.L. 108-78, H.R. 2739, enacted Sept. 3, 2003)	Approved the free trade agreement between the United States and Singapore.	Passed House July 24, 2003 (272-155) Passed Senate July 31, 2003 (66-32)
	U.S.-Australia Free Trade Agreement Implementation Act (P.L. 108-286, H.R. 4759, enacted Aug. 3, 2004)	Approved the free trade agreement between the United States and Australia.	Passed House July 14, 2004 (314-109) Passed Senate July 15, 2004 (80-16)
	U.S.-Morocco Free Trade Agreement Implementation Act (P.L. 108-302, H.R. 4842, enacted Aug. 17, 2004)	Approved the free trade agreement between the United States and Morocco.	Passed House July 22, 2004 (323-99) Passed Senate July 22, 2004 (unanimous consent, no recorded vote)
109 th	Dominican Republic-Central America -United States Free Trade Agreement Implementation Act (P.L. 109-53, H.R. 3045, enacted Aug. 2, 2005)	Approved the free trade agreement between the United States and the Dominican Republic, Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua.	Passed House July 28, 2005 (217-215) Passed Senate July 28, 2005 (55-45) Related bill: S. 1307, passed Senate June 30, 2005 (54-45), with no further congressional action

Congress	Bill and Title	Description and Comments	Votes
	U.S.-Bahrain Free Trade Agreement Implementation Act (P.L. 109-169, H.R. 4340, enacted Jan. 11, 2006)	Approved the free trade agreement between the United States and Bahrain.	Passed House December 7, 2005 (327-95) Passed Senate December 13, 2005 (unanimous consent, no recorded vote)
	U.S.-Oman Free Trade Agreement Implementation Act (P.L. 109-283, H.R. 5684, enacted September 26, 2006)	Approved the free trade agreement between the United States and Oman.	Passed House July 20, 2006 (221-205) Passed Senate September 19, 2006 (62-32) Related bill: S. 3569, passed Senate June 29, 2006 (60-34), with no further congressional action
110 th	U.S.-Peru Trade Promotion Agreement Implementation Act (P.L. 110-138, H.R. 3688, enacted December 14, 2007)	Approved the United States-Peru Trade Promotion Agreement.	Passed House November 8, 2007 (285-132) Passed Senate December 4, 2007 (77-18)

Source: LIS.

Resources for Additional Information

CRS Report RL33743, *Trade Promotion Authority (TPA) and the Role of Congress in Trade Policy*, by J. F. Hornbeck and William H. Cooper.

CRS Report RL31356, *Free Trade Agreements: Impact on U.S. Trade and Implications for U.S. Trade Policy*, by William H. Cooper.

CRS Report 97-896, *Why Certain Trade Agreements Are Approved as Congressional-Executive Agreements Rather Than as Treaties*, by Jeanne J. Grimmer.

CRS Report R41544, *Trade Promotion Authority and the Korea Free Trade Agreement*, by Emily C. Barbour.

Office of the United States Trade Representative (USTR) website, with a section on “Trade Agreements” discussing the status of U.S. trade agreements and negotiations, at <http://www.ustr.gov/trade-agreements/>, and information on “Free Trade Agreements” at <http://www.ustr.gov/trade-agreements/free-trade-agreements/>.

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